

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. DENICO ADAMS, Defendant.	2:18-CR-20641-TGB-APP-6 ORDER RESOLVING MOTIONS AND STAYING CASE PENDING APPEAL
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This Court issued a judgment as to Defendant Denico Adams on March 10, 2022. Mr. Adams subsequently filed several motions with this Court. ECF Nos. 312-316. He also filed a timely appeal of judgment to the Court of Appeals for the Sixth Circuit. His appeal was docketed on March 15, 2022. *See* Case No. 22-1207.

It is “settled law that filing a notice of appeal with the district court divests the district court of jurisdiction to act in a case, except on remedial matters unrelated to the merits of the appeal.” *United States v. Williams*, No. 05-3293, 2006 WL 3203748, at *6 (6th Cir. Nov. 6, 2006) (quoting *Fort Gratiot Sanitary Landfill, Inc. v. Mich. Dep't of Natural Res.*, 71 F.3d 1197, 1203 (6th Cir. 1995)). Therefore, as of March 15, 2022, this Court does not have jurisdiction to consider any of Mr. Adams’ motions that directly bear on his appeal. Each motion will be evaluated in turn.

The Motion to Stay Appeal (ECF No. 312) is clearly moot, as Mr. Adams has timely filed an appeal. The two Motions at ECF Nos. 314-315 are all seeking relief under various Rules of the Federal Rules of Civil Procedure. Because this is a criminal case, these motions cannot have any bearing on the appeal or contain any legitimate grounds for relief, and they will be stricken.

This leaves the Motion for Correcting Clear Error brought under Fed. R. Crim. P. 35(a) (ECF No. 313) and the Motion for a New Trial brought under Fed. R. Crim. P. 33(b)(2) (ECF No. 316). The first motion is clearly related to the merits of Mr. Adams' appeal, and the Court cannot consider it while his appeal is pending. The second motion appears to be improperly brought, because Mr. Adams did not have a trial at all—there can be no question of granting him a “new” trial. However, the motion also raises arguments related to ineffective assistance of counsel, which could be related to the merits of his appeal. Out of an abundance of caution, therefore, the Court will not address ECF No. 316 at this time.

CONCLUSION

The Motion to Stay Appeal (ECF No. 312) is **DENIED** as moot. The Motions at ECF Nos. 314-315 will be stricken. Consideration of the remaining two motions (ECF Nos. 313 and 316) is **STAYED** pending the results of Mr. Adams' appeal of judgment.

IT IS SO ORDERED, this 25th day of March, 2022.

BY THE COURT:

/s/Terrence G. Berg

TERRENCE G. BERG

United States District Judge